

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**MARTHA CHURCHILL,**

Plaintiff,

vs.

**No. CIV 97-1030 MV/LCS**

**KENNETH S. APFEL, Commissioner  
of Social Security Administration,**

Defendant.

**ORDER SETTING SETTLEMENT CONFERENCE**

The Court having found that it is in the best interest of the parties and the court to refer this matter for Settlement Conference;

IT IS, THEREFORE, ORDERED that this matter is hereby set for Settlement Conference on **NOVEMBER 9, 1998 AT 11:00 A.M.**, before United States Magistrate Judge Leslie C. Smith, at the **U.S. COURTHOUSE, 200 E. GRIGGS, LAS CRUCES, NEW MEXICO 88001.**

IT IS FURTHER ORDERED that the parties or their authorized agents with full settlement authority and their attorneys must attend any scheduled settlement conference in person. This means that each party must attend through a person who has the power to change that party's settlement posture or the method of resolution of the action during the course of the conference. Moreover, the person attending must have the authority to settle the case regardless of the demand. A person with "caps" or "limits" to his or her settlement authority does not meet this requirement. "Standing by the telephone" is insufficient. If the purpose of the conference is thwarted by this requirement not being met, sanctions, to include attorney fees and costs, may be imposed. (See F.R. Civ. P. 16(f).)

IT IS FURTHER ORDERED that sanctions pursuant to Rule 16 of the Rules of Civil Procedure will be considered for parties not negotiating in good faith.

IT IS FURTHER ORDERED that the attorneys shall forward to the Magistrate Judge a confidential, comprehensive letter or settlement brochure detailing the facts and other issues of this case, including how that party envisions resolution of the case at this conference. The settlement letter shall contain an analysis of the strengths and weaknesses of the case as well as the settlement posture of the settlement negotiations (see paragraph directly following). This letter may include exhibits such as witness statements, etc.. Said letter is to be delivered to the Magistrate Judge no later than 10 days before the settlement conference. **FAILURE TO TIMELY SUBMIT SAID SETTLEMENT LETTER MAY RESULT IN THE IMPOSITION OF SANCTIONS.**

IT IS FURTHER ORDERED that prior to the settlement conference scheduled herein, the parties shall confer in good faith in order to attempt to reach a settlement prior to the conference. Failure to confer may result in the imposition of sanctions.

A handwritten signature in black ink, appearing to read 'Leslie C. Smith', is written over a horizontal line.

**LESLIE C. SMITH**  
**UNITED STATES MAGISTRATE JUDGE**